

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

KENNETHY HORN,
Plaintiff,

vs.

CIVIL NO. 2: 15 –CV-329 SMV/CG

MESA WELL SERVICING, LP,
Defendant.

ORDER

Before the Court is Defense Counsel's Affidavit of reasonable and necessary attorney fees incurred in briefing and participating in a hearing concerning Plaintiff's Motion to Quash the deposition he gave in a case styled *Kennethy Horn v. Bull Rogers, Inc. and Bull Rogers Laydown, Inc.*, No. CIV-13-00177 KJG/GBW, United States District Court, State of New Mexico. Defense Counsel's Attorney Fee Affidavit before the Court represents that \$3,865.00 is a reasonable attorney fee and that an additional \$263.30 should be taxed against Plaintiff's Counsel as a gross receipts tax.

Rather than rule on the reasonableness of this fee, the Court notes that Plaintiff's Counsel and Defense Counsel have stipulated that \$3,000.00 is an acceptable sanction for Plaintiff Counsel's discovery abuse in filing the Motion to Quash. Accordingly, the Court orders that Plaintiff's Counsel, Wes Dauphinot, personally pay \$3,000.00 to MESA WELL SERVICING, LP, within ten days of the Court's signing of this order. The check for \$3,000.00 shall be mailed to Defense Counsel Joel Carson's law office.

IT IS SO ORDERED.



PRESIDING JUDGE

AGREED:

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